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September 14, 2020

VIA ECF

Hon. Richard M. Berman
United States District Judge,
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Owens, et al., 18 Cr. 693 (RMB)

Dear Judge Berman:

We write respectfully on behalf of Defendant Harald Joachim von der Goltz regarding a message we received from the Court's Deputy regarding sentencing. In the message, Ms. Murray stated that the Court plans on proceeding with the sentencing of Mr. von der Goltz, which is scheduled for September 21, 2020 at 11 a.m., via videoconference rather than an in-person appearance. Ms. Murray requested that we advise the government and then submit a letter to the Court noting both Mr. von der Goltz's and the government's positions regarding sentencing via videoconference.

Mr. von der Goltz previously consented to proceeding with sentencing via video and requested that the Court do so on the prior sentencing date of July 23, 2020. *See* Dkt. No. 220. In that request, Mr. von der Goltz noted that delaying his sentencing until it could be conducted in person would cause serious harm to the interests of justice because, among other things, (1) he is 83 years old and has a long history of serious medical issues that put him at high risk for COVID-19 infection and death; (2) he consented to extradition and voluntarily returned to the United States to face the charges in this case; (3) he pleaded guilty and accepted responsibility for his crimes; and (4) there have been several delays outside of his control, including an adjournment of the original sentencing date, that have prolonged the resolution of this matter. As a result, Mr. von der Goltz and his family have been living under the anxiety and torment of not knowing what his fate will be at the same time that he lives in constant fear not only of the coronavirus, but of another heart attack, aneurysm, or other life-threatening medical event. *See id.*

Three months later, these factors are even more acute. There is no indication that someone as frail as Mr. von der Goltz will be able to appear safely in a public courthouse at any

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time in the foreseeable future. There is no reason to believe that a vaccine is imminent, and even if one were released, it might not be safe or effective for Mr. von der Goltz. *See, e.g.*, Sarah Bosely, *Covid-19 vaccine may not work for at-risk older people, say scientists*, The Guardian (June 23, 2020), <https://www.theguardian.com/world/2020/jun/23/covid-19-vaccine-may-not-work-for-at-risk-older-people-say-scientists>. An indefinite delay until the Court can sentence Mr. von der Goltz in person will continue to exacerbate the tremendous stress and uncertainty he is living with, and given his advanced age and poor health, it could mean that he remains under a cloud of uncertainty for the rest of his life. Mr. von der Goltz is entitled to an opportunity to receive closure in this unfortunate chapter in his life. For these and other reasons, numerous judges in this district and around the country have found that sentencing via video is appropriate. *See* Dkt. No. 220 (collecting cases).

We have conferred with the government, which has stated that it does not consent to having Mr. von der Goltz's sentencing be conducted by videoconference, for the reasons identified in its June 19, 2020 letter, Dkt. No. 223.

Accordingly, Mr. von der Goltz respectfully requests that the Court sentence him on September 21, 2020 via videoconference.

Respectfully submitted,

/s/ Daniel Koffmann
Daniel Koffmann

cc: All counsel of record